

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 557

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BROWN.

Pre-filed December 12, 2011, and ordered printed.

Read 2nd time January 5, 2012, and referred to the Committee on Transportation.

Reported from the Committee March 8, 2012, with recommendation that the bill do pass.

Taken up for Perfection March 21, 2012. Bill declared Perfected and Ordered Printed.

4558S.01P

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal section 301.190, RSMo, and to enact in lieu thereof one new section relating to the vehicle examination process used for the issuance of prior salvage motor vehicle titles.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 301.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.190, to read as follows:

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for

19 certificate of ownership.

20           2. The director of revenue shall use reasonable diligence in ascertaining  
21 whether the facts stated in such application are true and shall, to the extent  
22 possible without substantially delaying processing of the application, review any  
23 odometer information pertaining to such motor vehicle that is accessible to the  
24 director of revenue. If satisfied that the applicant is the lawful owner of such  
25 motor vehicle or trailer, or otherwise entitled to have the same registered in his  
26 name, the director shall thereupon issue an appropriate certificate over his  
27 signature and sealed with the seal of his office, procured and used for such  
28 purpose. The certificate shall contain on its face a complete description, vehicle  
29 identification number, and other evidence of identification of the motor vehicle  
30 or trailer, as the director of revenue may deem necessary, together with the  
31 odometer information required to be put on the face of the certificate pursuant to  
32 section 407.536, a statement of any liens or encumbrances which the application  
33 may show to be thereon, and, if ownership of the vehicle has been transferred, the  
34 name of the state issuing the transferor's title and whether the transferor's  
35 odometer mileage statement executed pursuant to section 407.536 indicated that  
36 the true mileage is materially different from the number of miles shown on the  
37 odometer, or is unknown.

38           3. The director of revenue shall appropriately designate on the current  
39 and all subsequent issues of the certificate the words "Reconstructed Motor  
40 Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or  
41 "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1,  
42 1990, on all original and all subsequent issues of the certificate for motor vehicles  
43 as referenced in subsections 2 and 3 of section 301.020, the director shall print  
44 on the face thereof the following designation: "Annual odometer updates may be  
45 available from the department of revenue.". On any duplicate certificate, the  
46 director of revenue shall reprint on the face thereof the most recent of either:

47           (1) The mileage information included on the face of the immediately prior  
48 certificate and the date of purchase or issuance of the immediately prior  
49 certificate; or

50           (2) Any other mileage information provided to the director of revenue, and  
51 the date the director obtained or recorded that information.

52           4. The certificate of ownership issued by the director of revenue shall be  
53 manufactured in a manner to prohibit as nearly as possible the ability to alter,  
54 counterfeit, duplicate, or forge such certificate without ready detection. In order

55 to carry out the requirements of this subsection, the director of revenue may  
56 contract with a nonprofit scientific or educational institution specializing in the  
57 analysis of secure documents to determine the most effective methods of  
58 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

59         5. The fee for each original certificate so issued shall be eight dollars and  
60 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.  
61 If application for the certificate is not made within thirty days after the vehicle  
62 is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for  
63 the first thirty days of delinquency and twenty-five dollars for each thirty days  
64 of delinquency thereafter, not to exceed a total of two hundred dollars, but such  
65 penalty may be waived by the director for a good cause shown. If the director of  
66 revenue learns that any person has failed to obtain a certificate within thirty  
67 days after acquiring a motor vehicle or trailer or has sold a vehicle without  
68 obtaining a certificate, he shall cancel the registration of all vehicles registered  
69 in the name of the person, either as sole owner or as a co-owner, and shall notify  
70 the person that the cancellation will remain in force until the person pays the  
71 delinquency penalty fee provided in this section, together with all fees, charges  
72 and payments which the person should have paid in connection with the  
73 certificate of ownership and registration of the vehicle. The certificate shall be  
74 good for the life of the motor vehicle or trailer so long as the same is owned or  
75 held by the original holder of the certificate and shall not have to be renewed  
76 annually.

77         6. Any applicant for a certificate of ownership requesting the department  
78 of revenue to process an application for a certificate of ownership in an  
79 expeditious manner requiring special handling shall pay a fee of five dollars in  
80 addition to the regular certificate of ownership fee.

81         7. It is unlawful for any person to operate in this state a motor vehicle or  
82 trailer required to be registered under the provisions of the law unless a  
83 certificate of ownership has been applied for as provided in this section.

84         8. Before an original Missouri certificate of ownership is issued, an  
85 inspection of the vehicle and a verification of vehicle identification numbers shall  
86 be made by the Missouri state highway patrol on vehicles for which there is a  
87 current title issued by another state if a Missouri salvage certificate of title has  
88 been issued for the same vehicle but no prior inspection and verification has been  
89 made in this state, except that if such vehicle has been inspected in another state  
90 by a law enforcement officer in a manner comparable to the inspection process in

91 this state and the vehicle identification numbers have been so verified, the  
92 applicant shall not be liable for the twenty-five dollar inspection fee if such  
93 applicant submits proof of inspection and vehicle identification number  
94 verification to the director of revenue at the time of the application. The  
95 applicant, who has such a title for a vehicle on which no prior inspection and  
96 verification have been made, shall pay a fee of twenty-five dollars for such  
97 verification and inspection, payable to the director of revenue at the time of the  
98 request for the application, which shall be deposited in the state treasury to the  
99 credit of the state highways and transportation department fund.

100           9. Each application for an original Missouri certificate of ownership for  
101 a vehicle which is classified as a reconstructed motor vehicle, specially  
102 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor  
103 vehicle, or other vehicle as required by the director of revenue shall be  
104 accompanied by a vehicle examination certificate issued by the Missouri state  
105 highway patrol, or other law enforcement agency as authorized by the director of  
106 revenue. The vehicle examination shall include a verification of vehicle  
107 identification numbers and a determination of the classification of the  
108 vehicle. The owner of a vehicle which requires a vehicle examination certificate  
109 shall present the vehicle for examination and obtain a completed vehicle  
110 examination certificate prior to submitting an application for a certificate of  
111 ownership to the director of revenue. **Notwithstanding any provision of the**  
112 **law to the contrary, an owner presenting a motor vehicle which has**  
113 **been issued a salvage title and which is ten years of age or older to a**  
114 **vehicle examination described in this subsection in order to obtain a**  
115 **certificate of ownership with the designation prior salvage motor**  
116 **vehicle, shall not be required to repair or restore the vehicle to its**  
117 **original appearance in order to pass or complete the vehicle**  
118 **examination.** The fee for the vehicle examination application shall be  
119 twenty-five dollars and shall be collected by the director of revenue at the time  
120 of the request for the application and shall be deposited in the state treasury to  
121 the credit of the state highways and transportation department fund. If the  
122 vehicle is also to be registered in Missouri, the safety inspection required in  
123 chapter 307 and the emissions inspection required under chapter 643 shall be  
124 completed and the fees required by section 307.365 and section 643.315 shall be  
125 charged to the owner.

126           10. When an application is made for an original Missouri certificate of

127 ownership for a motor vehicle previously registered or titled in a state other than  
128 Missouri or as required by section 301.020, it shall be accompanied by a current  
129 inspection form certified by a duly authorized official inspection station as  
130 described in chapter 307. The completed form shall certify that the  
131 manufacturer's identification number for the vehicle has been inspected, that it  
132 is correctly displayed on the vehicle and shall certify the reading shown on the  
133 odometer at the time of inspection. The inspection station shall collect the same  
134 fee as authorized in section 307.365 for making the inspection, and the fee shall  
135 be deposited in the same manner as provided in section 307.365. If the vehicle  
136 is also to be registered in Missouri, the safety inspection required in chapter 307  
137 and the emissions inspection required under chapter 643 shall be completed and  
138 only the fees required by section 307.365 and section 643.315 shall be charged to  
139 the owner. This section shall not apply to vehicles being transferred on a  
140 manufacturer's statement of origin.

141         11. Motor vehicles brought into this state in a wrecked or damaged  
142 condition or after being towed as an abandoned vehicle pursuant to another  
143 state's abandoned motor vehicle procedures shall, in lieu of the inspection  
144 required by subsection 10 of this section, be inspected by the Missouri state  
145 highway patrol in accordance with subsection 9 of this section. If the inspection  
146 reveals the vehicle to be in a salvage or junk condition, the director shall so  
147 indicate on any Missouri certificate of ownership issued for such vehicle. Any  
148 salvage designation shall be carried forward on all subsequently issued  
149 certificates of title for the motor vehicle.

150         12. When an application is made for an original Missouri certificate of  
151 ownership for a motor vehicle previously registered or titled in a state other than  
152 Missouri, and the certificate of ownership has been appropriately designated by  
153 the issuing state as a reconstructed motor vehicle, motor change vehicle, specially  
154 constructed motor vehicle, or prior salvage vehicle, the director of revenue shall  
155 appropriately designate on the current Missouri and all subsequent issues of the  
156 certificate of ownership the name of the issuing state and such prior  
157 designation. The absence of any prior designation shall not relieve a transferor  
158 of the duty to exercise due diligence with regard to such certificate of ownership  
159 prior to the transfer of a certificate. If a transferor exercises any due diligence  
160 with regard to a certificate of ownership, the legal transfer of a certificate of  
161 ownership without any designation that is subsequently discovered to have or  
162 should have had a designation shall be a transfer free and clear of any liabilities

163 of the transferor associated with the missing designation.

164           13. When an application is made for an original Missouri certificate of  
165 ownership for a motor vehicle previously registered or titled in a state other than  
166 Missouri, and the certificate of ownership has been appropriately designated by  
167 the issuing state as non-USA-std motor vehicle, the director of revenue shall  
168 appropriately designate on the current Missouri and all subsequent issues of the  
169 certificate of ownership the words "Non-USA-Std Motor Vehicle".

170           14. The director of revenue and the superintendent of the Missouri state  
171 highway patrol shall make and enforce rules for the administration of the  
172 inspections required by this section.

173           15. Each application for an original Missouri certificate of ownership for  
174 a vehicle which is classified as a reconstructed motor vehicle, manufactured forty  
175 or more years prior to the current model year, and which has a value of three  
176 thousand dollars or less shall be accompanied by:

177           (1) A proper affidavit submitted by the owner explaining how the motor  
178 vehicle or trailer was acquired and, if applicable, the reasons a valid certificate  
179 of ownership cannot be furnished;

180           (2) Photocopies of receipts, bills of sale establishing ownership, or titles,  
181 and the source of all major component parts used to rebuild the vehicle;

182           (3) A fee of one hundred fifty dollars in addition to the fees described in  
183 subsection 5 of this section. Such fee shall be deposited in the state treasury to  
184 the credit of the state highways and transportation department fund; and

185           (4) An inspection certificate, other than a motor vehicle examination  
186 certificate required under subsection 9 of this section, completed and issued by  
187 the Missouri state highway patrol, or other law enforcement agency as authorized  
188 by the director of revenue. The inspection performed by the highway patrol or  
189 other authorized local law enforcement agency shall include a check for stolen  
190 vehicles. The department of revenue shall issue the owner a certificate of  
191 ownership designated with the words "Reconstructed Motor Vehicle" and deliver  
192 such certificate of ownership in accordance with the provisions of this  
193 chapter. Notwithstanding subsection 9 of this section, no owner of a  
194 reconstructed motor vehicle described in this subsection shall be required to  
195 obtain a vehicle examination certificate issued by the Missouri state highway  
196 patrol.